

JCO3 Rec'd PCT/PTO 23 SEP 2004

U. S. PATENT AND TRADEMARK OFFICE
U. S. DEPARTMENT OF COMMERCE

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

21388YP

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/550640

INTERNATIONAL APPLICATION NO.
PCT/US2004/011253

INTERNATIONAL FILING DATE
9 April 2004

PRIORITY DATE CLAIMED
14 April 2003

TITLE OF INVENTION

PROCESS AND INTERMEDIATES FOR THE PREPARATION OF PYRROLIDINE CARBOXYLIC ACIDS

APPLICANT(S) FOR DO/EO/US

RAYMOND CVETOVICH, JOHN Y. CHUNG, JOSEPH S. AMATO, and LISA DiMICHELE

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (PCT Article 31).
5. ☒ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
 - a. ☐ is attached hereto
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☒ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 to 20 below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

JC14 Rec'd PCT/PTO 23 SEP 2005

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US2004/011253		ATTORNEY'S DOCKET NUMBER 21388YP	
The following fees are submitted:				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee.....\$300				\$300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations.....\$200				\$0.00	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 Search fee [37 CFR 1.445(a)(2)] has been paid on the international application to the USPTO as an International Searching Authority.....\$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB\$400 All other situations.....\$500				\$0.00	
TOTAL OF 21, 22 and 23=				\$300.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
45 - 100 =	0 /50	0 = 0	X \$250.00	\$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 CFR 1.492(e)].					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	38 - 20 =	18	X \$50.00	\$900.00	
Independent Claims	4 - 3 =	1	X \$200.00	\$200.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00		
TOTAL OF ABOVE CALCULATIONS (SUBTOTAL)				\$1,400.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date [37 CFR 1.492(f)].				+	
TOTAL NATIONAL FEE				\$1,400.00	
Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				+	
TOTAL FEES ENCLOSED				\$1,400.00	
				Amount to be refunded:	
				Amount to be charged:	
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>13-2755</u> in the amount of <u>\$1,400.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. <u>13-2755</u>. A duplicate copy of this sheet is enclosed.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p style="border: 1px solid black; padding: 2px; display: inline-block;">Customer No. 000210</p> <p>MERCK & CO., INC. Patent Department, RY60-30 P.O. Box 2000 126 East Lincoln Avenue Rahway, New Jersey 07065-0970</p>					
DATE: <u>September 23, 2005</u>				<p style="text-align: center;"><u>Baerbel R. Brown</u> SIGNATURE</p> <p>BAERBEL R. BROWN NAME</p>	
PHONE #: <u>(732) 594-0672</u>					
				<p>47,449 REGISTRATION NUMBER</p>	

Page 1A of TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING
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Serial No. PCT/US2004/011253
Case Docket No.: 21388YP
International Filing Date: 9 April 2004
Priority Date: 14 April 2003
Title: PROCESS AND INTERMEDIATES FOR
THE PREPARATION OF PYRROLIDINE
CARBOXYLIC ACIDS
Inventors: RAYMOND CVETOVICH, JOHN Y. CHUNG,
JOSEPH S. AMATO, and LISA DiMICHELE

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT September 23, 2005EXPRESS MAIL NO. EL989586592US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
EXPRESS MAIL "POST OFFICE TO ADDRESSEE" BEFORE
5 P.M. ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO
COMMISSIONER OF PATENTS AND TRADEMARKS, BOX PCT,
WASHINGTON, D.C. 20231.

MAILED BY Christine Cuffe DATE September 23, 2005